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C O N F I D E N T I A L CARACAS 003291

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NSC FOR CBARTON  
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TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [VE](#)

SUBJECT: OPPOSITION FRAUD UPDATE HITS DATA TRANSMISSION,  
STATISTICS

REF: A. CARACAS 2840

[1](#)B. CARACAS 3070

Classified By: Abelardo A. Arias, Political Counselor,  
for Reason 1.4(b).

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Summary  
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[1](#)1. (C) The Coordinadora Democratica issued on October 12 its second report on alleged electoral fraud in the August 15 recall referendum on President Hugo Chavez. Using statistical analyses, the report alleges that some 2.5 million votes were manipulated during the referendum to reverse what should have been an opposition victory. The report documents irregular patterns in data transmission in voting machines where Chavez won, implying that the National Electoral Council (CNE) remotely changed the votes recorded on the machines. In presenting the Coordinadora report, legal expert Tulio Alvarez accused the GOV of planning to commit similar fraud in the October 31 regional elections. The Coordinadora's strategy is to continue issuing reports in the hope of smoking out proof positive of the GOV's complicity. The report is not conclusive and works against the opposition parties' efforts to boost voter participation in the upcoming elections. End summary.

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The Second Report: More Statistics, and Data Transmission  
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[1](#)2. (U) The Coordinadora Democratica released on October 12 the first official report on fraud in the August 15 recall referendum on President Hugo Chavez (The September 8 report was "preliminary." See ref a). The report gives results of statistical studies carried out by academics at several Venezuelan universities. Comparing individual machine results to results at the level of states and "parrochias" (a political subdivision below a municipality), the academics concluded that nearly half of voting machines deviated from the voting patterns of the areas in which they were located. These irregularities correspond to 2.5 million votes. The academics claimed that if the alleged manipulation had not occurred, the "Si" votes against Chavez would have won 60% to 40% (The official results were the converse, with the opposition losing 40% to 60%). Another study applying "Benford's law," a mathematical method for detecting numbers fraud, to both manual and automated voting centers suggested the Si votes won 55% to 45%. The academics also concluded that both referendum audit samples (including the one overseen by the Carter Center) were not representative of the universe of voting machines.

[1](#)3. (U) The report gives results of a study of election day data transmission between the National Electoral Council (CNE) server and the voting machines over the network operated by private telephone carrier CANTV. The Coordinadora contends the CNE server and the voting machines shared more two-way data than was originally claimed (Smartmatic officials had asserted that two-way transmissions were limited to the security protocol handshake). Studying network logs, however, Coordinadora investigators discovered higher-than-normal levels of data transmission in 52% of voting machines. In these machines, the report alleges, the incidence of "No" votes (in favor of Chavez) was much higher than the voting machines with normal transmission logs. The implication is that the CNE was able to re-program half the voting machines to give Chavez the numerical advantage.

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Alvarez Backs Abstention, Rattles Sabers With Military  
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[1](#)4. (C) Legal expert Tulio Alvarez (ref a), who is coordinating the Coordinadora's fraud documentation efforts, delivered the report during an opposition event on October 12 attended by poloff. Alvarez repeated his allegation that the CNE had committed fraud in the electoral registry and had not

repaired the voter rolls for the October 31 elections for governors and mayors. Alvarez claimed that the mere manipulation of the electoral registry will result in a loss for Chavez opponents in all governorships (including the

mayor of Caracas district) and 106 mayoralities. He concluded by saying that any opposition politician who goes to the regional elections will be guilty of "validating the August 15 fraud." Coordinadora representatives later told poloff that Alvarez went beyond what was agreed.

15. (C) Alvarez also alleged during his speech that the military was involved in the referendum fraud. Alvarez showed a video of a supposed telecommunications network control center operated by the military that was reportedly used to carry out the fraud. Alvarez named four mid-level military officers who, he alleged, have firsthand knowledge of the fraud. Coordinadora representative D'lsa Solorzano told poloff October 25 the video had come just a day before the Coordinadora event from an undisclosed source in the military. (Comment: The film appeared to be a video inventory of a telecommunications network control room. There were no obvious indications that the control room was related to either the military or the elections. End comment.)

16. (C) Alvarez reiterated to PolCouns October 21 that the opposition is headed into a crushing electoral defeat because of the fraud. Alvarez said he had presented the information to Accion Democratica functionaries, who told him the party planned to pursue elections in spite of the likelihood of fraud. Alvarez said he believes the referendum fraud is not confined to a handful of people, but also includes employees of Smartmatic and some unspecified foreign consultants. Solorzano told poloff that new information is constantly being passed to the Coordinadora from sources within the CNE, Smartmatic, and the military. She said the Coordinadora plans to issue two more reports at monthly intervals to spur those with knowledge of the alleged fraud to come forward.

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Legal Remedies Languish  
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17. (C) Solorzano, the Coordinadora's legal representative, also told poloff that the CNE's rejection of her appeal of the referendum results out of hand on September 23 violated electoral law (ref b). She asserted that the law requires the CNE to admit the appeal and then request within five days the required proofs from the appellant. Instead, Solorzano said, the CNE tossed out the appeal for lack of evidence. She said she faced a similar legal paradox at the Supreme Court (TSJ) when immediately after the referendum she petitioned for an injunction to force the CNE to turn over copies of electoral documents. Instead of deciding on the injunction within the 48 hours as stipulated in the law, the Court waited more than a month to deny her motion on the grounds that the deadline for challenging the CNE decision had already passed.

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Comment  
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18. (C) The substance of the Alvarez report is intriguing to the interested observer for its revelations about the two-way transmissions, but it fails to go beyond the circumstantial. The report has political relevance for the regional elections, as opposition parties are desperate to get their already fatigued and disappointed supporters to the polls. Alvarez's prophecy of another massive fraud on October 31 is clearly counterproductive to these efforts.  
Brownfield

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